

\*\*E-Filed 10/28/05\*\*

NOT FOR CITATION

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

JUAN D. MARTINEZ, et al.,  
Plaintiffs,  
v.  
MONTEREY COUNTY, CALIFORNIA, et al.  
Defendants.

Case Number C 05-2950 JF

**ORDER SETTING BRIEFING  
SCHEDULE ON PLAINTIFFS'  
MOTION FOR INJUNCTION  
PENDING APPEAL**

On October 27, 2005, Plaintiffs filed a motion for an injunction pending appeal, seeking to enjoin Monterey County from canvassing and finalizing the results of the statewide special election scheduled for November 8, 2005 with respect to Proposition 77. Plaintiffs request that such injunction remain in effect until the appellate process in this action is completed or until the challenged voting procedures are precleared pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973.

Although the text of Plaintiffs' motion states that Plaintiffs would file a separate motion to shorten time, no such motion appears in the Court's electronic docket. Nonetheless, the nature

1 of the relief sought is such that a somewhat abbreviated briefing schedule appears to be  
2 appropriate. Accordingly, any opposition to Plaintiffs' motion shall be filed and served on or  
3 before November 4, 2005. Any reply shall be filed and served on or before November 9, 2005.  
4 The motion thereafter will be taken under submission without oral argument unless otherwise  
5 ordered by the Panel.

6 On behalf of the Panel, IT IS SO ORDERED.  
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10 DATED: October 28, 2005

11 /s/ electronic signature authorized

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JEREMY FOGEL  
United States District Judge  
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